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Ward L. Benshoof

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July 30, 2010

VIA E-MAIL & U.S. MAIL
jbashaw@waterboards.ca.gov

Jeannette L. Bashaw, Legal Analyst
State Water Resources Control Board
Office of Chief Counsel
P.O. Box 100
Sacramento, CA 95812-0100

Re: *Petition for Review*
Continental Airlines Aircraft Maintenance Facility
7300 World Way West, Los Angeles, CA 90045-5829
(Site Cleanup Number 0349A, Site ID No. 1841200)

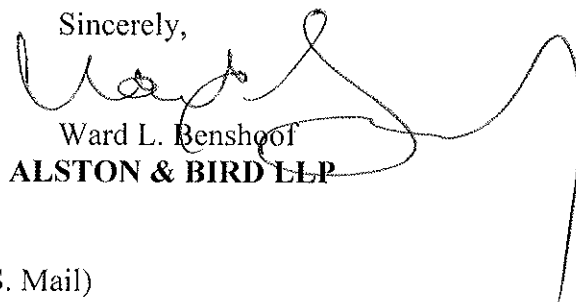
Dear Ms. Bashaw:

On behalf of Continental Airlines, Inc. ("Petitioner"), enclosed please find for filing with the State Water Resources Control Board a Petition for Review and Request for Hearing with regard to an action taken on June 30, 2010 by the Los Angeles Regional Water Quality Control Board. Upon filing, Petitioner requests that the petition be held in abeyance pending further notice.

A copy of this correspondence and petition is being concurrently mailed to Samuel Unger, Interim Executive Officer of the Los Angeles Regional Water Quality Control Board.

Should you have any questions or require any further information, please let me know.

Sincerely,



Ward L. Benshoof
ALSTON & BIRD LLP

WLB:lk1

Enclosure

cc: Samuel Unger (w/encl.) (Via U.S. Mail)

1 WARD L. BENSHOOF (State Bar No. 54987)
2 SHARON F. RUBALCAVA (State Bar No. 67363)
3 PETER A. NYQUIST (State Bar No. 180953)
4 **ALSTON & BIRD LLP**
5 333 South Hope Street, Sixteenth Floor
6 Los Angeles, California 90071
7 Telephone: (213) 576-1000
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9 Attorneys for Petitioner
10 CONTINENTAL AIRLINES, INC.

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Los Angeles Regional Water
Quality Control Board 13267 Order –
Continental Airlines Aircraft Maintenance
Facility, 7300 World Way West, Los Angeles,
California

No.

**PETITION FOR REVIEW AND
REQUEST FOR HEARING**

[Request To Hold In Abeyance]

Pursuant to Water Code section 13320(a) and California Code of Regulations, title 23,
section 2050 *et seq.*, Continental Airlines, Inc. ("Petitioner") respectfully petitions the State
Water Resources Control Board ("State Board") for review of a Water Code section 13267
Order (the "Order"), dated June 30, 2010 and issued by the Interim Executive Officer of the
Los Angeles Regional Water Quality Control Board ("Regional Board") with regard to the
Continental Airlines Aircraft Maintenance Facility, located at 7300 World Way West, Los
Angeles, California (the "Site"). A copy of the Order is attached hereto as Exhibit A.

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1 1. **Name and Address of Petitioner**

2 Petitioner may be contacted through its counsel of record: Ward L. Benshoof,
3 Sharon F. Rubalcava, and Peter A. Nyquist, Alston & Bird, LLP, 333 S. Hope Street, 16th
4 Floor, Los Angeles, California 90071; (213) 576-1142.

6 2. **Specific Action or Inaction for Which This Petition for Review is Sought**

7 The Regional Board action for which this petition for review is filed concerns the
8 issuance of the Order, entitled "Requirement for a Technical Report Pursuant to California
9 Water Code Section 13267 – Response to Jet Fuel Recovery System Closure Request –
10 Continental Airlines Aircraft Maintenance Facility, 7300 World Way West, Los Angeles,
11 California 90045-5829 (Site Cleanup Number 0349A, Site ID No. 1841200)," dated June 30,
12 2010.

14 3. **Date the Regional Board Acted or Failed to Act**

15 The date of the Regional Board's action which is subject to review is June 30, 2010,
16 when the Order was signed by the Interim Executive Officer of the Regional Board.
17 Petitioner first received a copy of the Order, via electronic mail, on July 2, 2010.

19 4. **Statement of Reasons the Action is Inappropriate and Improper**

20 This issuance of the Order was beyond the authority of the Regional Board,
21 inappropriate, improper, or not supported by the record, for the following reasons:

22 (a) pursuant to Water Code section 13267(b)(1), the burden, including
23 costs, of the directives set forth in the Order, including without limitation, additional data,
24 information and reports, do not bear a reasonable relationship to the need for said data,
25 information and/or reports, or the benefits to be obtained therefrom;

26 (b) the Order includes directives, statements and conclusions that are not
27 supported by, or are inconsistent with, substantial evidence in the record for the Site;

28 ///

1 (c) the Order is vague and ambiguous, including without limitation, its
2 failure to provide legally sufficient grounds for requiring Petitioner to engage in additional
3 investigative activities, complete and submit additional data, information and/or reports;

4 (d) the Order fails to identify or name additional dischargers or parties
5 otherwise responsible for investigating, cleaning up or abating certain chemical constituents
6 and/or specified areas of alleged contamination at or around the Site for which Petitioner is
7 not legally responsible;

8 (e) the Order is unreasonable in that it: (i) ignores the Regional Board's
9 prior express approval of the remedial action plan and extensive remedial system for the Site,
10 which Petitioner installed and has diligently operated under oversight of the Regional Board
11 for several years, at substantial capital and ongoing expense; and (ii) seeks to impose
12 additional burdensome and unreasonable obligations, including, without limitation, further
13 investigation and pilot studies of other treatment technologies which are wholly inconsistent
14 with the Regional Board's prior approval of the selected remedy for the Site;

15 (f) the Order is unreasonable based on: (i) the Regional Board's failure to
16 act in a reasonable, diligent, or timely manner, resulting in substantial prejudice and harm to
17 Petitioner; and (ii) Petitioner's reasonable reliance on the Regional Board's prior express
18 approval of the remedial action plan and extensive remedial system for the Site, which
19 Petitioner installed and has diligently operated under oversight of the Regional Board for
20 several years, at substantial capital and ongoing expense;

21 (g) the Regional Board failed to provide Petitioner with a meaningful
22 opportunity to address or refute the Order's alleged findings and directives with existing
23 information and data for the Site. As such, Petitioner has been denied its rights to procedural
24 due process, resulting in substantial harm through the imposition of unjustified and
25 inappropriate regulatory requirements, costs, and the potential for imposition of civil liability
26 penalties for failure to comply with the Order.

27 ///

28 ///

1 5. **Petitioner Is Aggrieved**

2 Petitioner is aggrieved for the reasons set forth in section 4, above. Despite
3 Petitioner's extraordinary financial investment and demonstrated commitment in responding
4 to environmental conditions at the Site, Petitioner is potentially subject to substantial
5 additional regulatory requirements and costs, without any benefit to regional water quality,
6 the environment or human health.

7
8 6. **Petitioner's Requested Action by the State Board**

9 Petitioner requests that the State Board hold in abeyance this petition for review and
10 request for hearing pending further discussions between Petitioner and the Regional Board.

11
12 In the event Petitioner determines that it is necessary to activate this petition,
13 Petitioner will seek a determination from the State Board that the Regional Board's issuance
14 of the Order, either in whole or in part, was inappropriate and improper. In such event,
15 Petitioner will further seek to vacate the Order, either in whole or in part, pursuant to this
16 petition, its statement of points and authorities, and any other evidence in the administrative
17 record as may be relevant to the issues raised herein. Petitioner will notify the State Board if
18 it intends to activate this appeal. Petitioner reserves the right to amend this petition and
19 submit a detailed statement of points and authorities in the event this petition is converted to
20 active status.

21
22 7. **Statement of Points and Authorities**

23 Petitioner will submit a detailed statement of points and authorities in the event it
24 becomes necessary to activate this petition for review.

25
26 8. **Statement of Transmittal of Petition to the Regional Board**

27 A true and correct copy of this petition for review was transmitted to Samuel Unger,
28 Interim Executive Officer of the Los Angeles Regional Board, on July 30, 2010.

1 9. **Substantive Issues Raised Before the Regional Board**

2 Petitioner has not yet been afforded a meaningful opportunity to be heard on the
3 substantive issues set forth in the Order. Pending efforts to resolve disputed issues with
4 Regional Board staff, Petitioner may be without an adequate remedy unless the State Board
5 grants this petition for review and a hearing with respect to the issues presented herein.
6

7 10. **Request for Hearing**

8 In the event Petitioner determines that it is necessary to activate this petition,
9 Petitioner will request that the State Board schedule a hearing at the earliest feasible date. In
10 connection with any such hearing, Petitioner reserves the right to present additional evidence
11 or testimony to the State Board and will submit to the State Board, if appropriate, statements
12 regarding evidence pursuant to Code of California regulations, title 23, section 2050(b).
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14

15 DATED: July 30, 2010

Respectfully submitted,

16 **ALSTON & BIRD LLP**

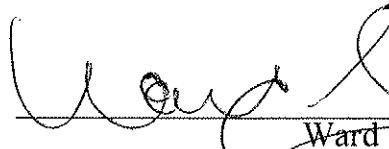
17 
18 _____
19 Ward L. Benshoof
20 Sharon F. Rubalcava
21 Peter A. Nyquist
22 Attorneys for Petitioner
23 CONTINENTAL AIRLINES, INC.
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EXHIBIT A



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - www.waterboards.ca.gov/losangeles

Arnold Schwarzenegger
Governor

June 30, 2010

Ms. Leah Raney
Senior Director, Environmental Affairs
Continental Airlines, Inc.
33rd Floor HQSEN
Houston, Texas 77002

REQUIREMENT FOR A TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 – RESPONSE TO JET FUEL RECOVERY SYSTEM CLOSURE REQUEST - CONTINENTAL AIRLINES AIRCRAFT MAINTENANCE FACILITY, 7300 WORLD WAY WEST, LOS ANGELES, CALIFORNIA 90045-5829 (SITE CLEANUP NUMBER 0349A, SITE ID NO. 1841200)

Dear Ms. Raney:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of groundwater and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura Counties, including the referenced site.

Enclosed is a Regional Board Order for technical report requirements pursuant to California Water Code sections 13267 and 13304. The Order is a response to the technical report entitled "*Jet Fuel Recovery System Closure Work Plan, Continental Airlines Aircraft Maintenance Facility, 7300 World Way West.*" [Haley & Aldrich (H&A), April 2009]. The technical report was prepared and submitted by H&A based on discussions from several meetings between Continental Airlines, H&A, Aqualia, Inc., and the Regional Board.

Regional Board staff has reviewed the technical report and other technical information contained in the Regional Board files and determined that you are required to comply with the Order to prepare and submit a revised technical report and Remedial Action Plan (RAP) to conduct additional studies on the Jet A plume located at the Continental Airlines Aircraft Maintenance Facility (subject site), 7300 World Way West, Los Angeles, California.

The State Water Resources Control Board (State Water Board) adopted regulations requiring the electronic submittals of information over the Internet using the State Water Board GeoTracker database. You are required not only to submit hard copy reports required in this Order but also to comply by uploading all reports and correspondence prepared to date and additional required data formats to the GeoTracker system. Information about GeoTracker submittals, including links to text of the governing regulations, can be found on the Internet at the following link:

http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

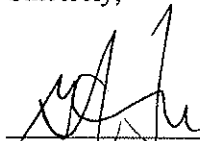
Ms. Leah Raney
Continental Airlines

- 2 -

June 30, 2010

Should you have any questions related to this project, please contact me at (213) 576-6736 or Larry Moore at (213) 576-6730 or lmoore@waterboards.ca.gov.

Sincerely,



Jeffrey Mu, Unit Chief
Site Cleanup Unit II

Enclosure: Requirement to Provide Technical Report

cc: Ms. Marianne Csaky, Continental Airlines
Mr. Scott P. Zachary, Haley & Aldrich
Mr. Joseph Weidmann, Haley & Alrich
Mr. Robert Freeman, Los Angeles World Airports

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

REQUIREMENT TO PROVIDE A REVISED CLOSURE WORKPLAN - WORK PLAN (CALIFORNIA WATER CODE SECTION 13267¹ ORDER)

CONTINENTAL AIRLINES AIRCRAFT MAINTENANCE FACILITY - 7300 WORLD WAY
WEST, LOS ANGELES, CALIFORNIA 90045-5829 (SUBJECT SITE CLEANUP NUMBER
0349A, SUBJECT SITE ID NO. 1841200)

You are legally obligated to respond to this Order. Please read this carefully.

You are the responsible party identified for soil, soil vapor, and groundwater investigation at the Continental Airlines Aircraft Maintenance Facility (subject site). An investigation of the existing groundwater quality must be performed to evaluate the Jet A plume and its potential contamination to a water aquifer of the State.

During the environmental assessment and remedial investigations, information provided by Continental Airlines to the Regional Board indicated the existence of a Jet A plume which was caused by fuel line leaks during operations at the subject site. Groundwater quality has been impacted from some of these operations and includes petroleum hydrocarbons (i.e., Jet A) and volatile organic compounds (VOCs). Presently, the evaluation of groundwater contamination caused by the presence of the Jet A plume as well as the stability of the Jet A plume is still ongoing. In April 2009 a report entitled "*Jet Fuel Recovery System Closure Work Plan*," was submitted to the Regional Board requesting closure of the Jet Fuel Recovery System because information provided in the report suggested the Jet A plume was stable and the extraction rates for some key recovery wells used to remove Jet Fuel (Jet A) had or soon would reach their asymptotic conditions (i.e., endpoints). Regional Board staff reviewed the report and determined that additional data would need to be collected, evaluated, and submitted to determine whether closure could be granted for the Jet Fuel Recovery System.

The subject site is located at 7300 World Way West in Los Angeles, California and occupies approximately 75 acres to the west of Los Angeles International Airport (LAX). The subject site is bordered on the north by World Way West, on the east by an American Airlines facility, on the south by an LAX taxiway, and on the west by a parking lot owned and operated by the Los Angeles World Airports (LAWA). The subject site is relatively flat, with a ground surface elevation approximately 105 feet above mean sea level (MSL), and is located approximately one mile east of the Pacific Ocean.

Historically, the subject site has been used for the routine maintenance of aircraft equipment. Continental leases the subject site from LAWA and is presently occupied by Continental. In 1988

¹ California Water Code section 13267 states, in part: (b)(1) In conducting an investigation. . . , the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region . . . shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

investigation activities began with the removal of underground storage tanks (USTs) and led to various environmental subject site assessments. Groundwater investigation and monitoring activities began in 1991 and since then, 38 monitoring wells have been installed. Thirty-six of these monitoring wells are still operating; two monitoring wells were previously abandoned (CMW-01 and CMW-05).

Subject site investigations have been conducted through 2004 to characterize the lateral and vertical extent of free phase jet fuel and dissolved-phase chlorinated solvents plumes. A brief history of these investigations has been provided in previous Groundwater Monitoring and Free Product Recovery reports submitted to the Regional Board. In these reports, the primary areas of concern were identified as follows:

1. A free phase jet fuel plume underlies the southwestern portion of the subject site, the southern portion of the LAWA parking lot, and the southern portion of an undeveloped LAWA lot. The lateral extent of the jet fuel plume covers approximately 20 acres. Presently, this jet fuel plume is the focus of the Vacuum-Enhanced Free Product Recovery (VEFPR) system. Additionally, a localized jet fuel plume exists in the north-central portion of the subject site (in the vicinity of CMW-06 and CMW-37).
2. A free product/jet fuel and chlorinated VOC plume exists in the north-central portion of the subject site near CMW-06/ CMW-37) and maybe associated with a suspected release from a former underground storage tank (UST). A free product/jet fuel and chlorinated VOC plume exists in the north-eastern corner of the subject site near CMW-21, and appears related to an off-subject site source. Another chlorinated VOC plume exists southwest of the subject site under the LAWA undeveloped property and appears related to an off-subject site source.

From 1999 until 2005, a temporary free product recovery system was operated at the subject site and approximately 106,000 gallons of jet fuel were recovered from 15 existing monitoring wells (CDM-01, CMW-03, CMW-07, CMW-06, CMW-12, CMW-14, CMW-15, CMW-25, and CMW-29 through CMW-35) prior to them being shut down during the fourth quarter of 2005 due to the installation of the current VEFPR system.

The VEFPR system was recommended using vacuum enhanced free product recovery technology to remediate the jet fuel free product plume in the southwestern portion of the subject site and was approved by the Regional Board in June 2002. Subsequent design and construction was approved by the Regional Board in June 2003 and the installation of the VEFPR system consisting of 221 recovery wells was started in June 2005 and completed in November 2007. The installation of the VEFPR system was in phases and was documented in the Phase I and II Installation Reports submitted to the Regional Board.

To address dissolved-phase benzene and methyl tert butyl ether (MTBE), a contingency plan was outlined in an approved Remedial Technology Report in 2001. The report specified that when six consecutive quarters of increasing concentrations of benzene or MTBE in monitoring wells located immediately downgradient of the free-phase product plume monitoring wells: CMW-09, CMW-16, -18, -19, and -20), a remedial action work plan would be submitted to the Regional Board.

Based on this historical information, the Regional Board has determined that additional investigation and remediation at the referenced subject site is warranted based on upon a review the following information:

- *"Jet Fuel Recovery System Closure Work Plan, Continental Airlines Aircraft Maintenance Facility, 7300 World Way West."* [Haley & Aldrich (H&A), April 2009]; and



- "Semiannual Groundwater Monitoring and Vacuum Enhanced Free Product Recovery System Performance Report 01/01/09 to 06/30/09 for Continental Airlines," (Haley & Aldrich, 08/27/09),

The requirements to complete the additional investigation and remediation include the following:

1. As presented in the above referenced groundwater monitoring report, the following groundwater monitoring wells MW-3, -7, -12, -14, -15, -21, -24 and CDM -01 and 03 were not sampled due to the presence of free floating product. Typically, the Regional Board does not request wells with free floating product to be sampled, however to determine whether dissolved constituents are present below the free-product plume, Continental is required to sample these wells during the next two semi-annual groundwater monitoring events and analyze the samples for the following constituents:
 - a. Volatile Organic Compounds (VOCs) by EPA Method 8260B, and
 - b. Semi-volatile Organic Compounds (SVOCs) by EPA Method 8270.

At a minimum, Continental is required to prepare a dissolved benzene and MTBE, color shaded isoconcentration plume maps. Additionally, other contaminants of concern (COCs) isoconcentration maps shall be developed and based on the VOC and SVOC data. These plume maps shall be specific to the COCs and shall not be based on total concentrations of VOCs and SVOCs. In addition, the projected location of the MCL contour must be depicted for each COC as well as groundwater flow.

2. Appendix A of the above referenced closure work plan report states that 6 of the 13 key wells have reached their 95% recovery endpoint and that the remaining wells will attain their respective endpoints later in 2009, based on decline-curve analyses captured in Table A-1. Furthermore, the closure work plan continues by stating the "remainder of the well field's wells is not configured with equipment to monitor jet fuel recovery rates or recovery volume".

Based on this statement, a review of Continental's "Interim Jet Fuel Recovery Locations" as depicted on Figure 6 and compared with the *Historical Maximum Free Product Thickness Map* (Figure 10), the *Free Product Thickness, Fourth Quarter 2008 Map* (Figure 11) and the *Smear Zone Thickness Map* was completed. These figures indicate there are no VEFRP key (automated recovery) wells located in the following areas of the jet fuel plume: north-central, south-east, and north-west, consequently, an inference can be made that "key wells" relied upon to show efficient plume drainage may not be truly representative to reach the finding that VEFRP system shut down is justified. Therefore, the Regional Board has concluded the following:

- a) The Jet A plume has not been effectively drained,
- b) A concern remains that the "key (automated recovery) wells" are not representative, and
- c) The VEFRP system's recovery rates are still over 10,000 gallons per month which indicates the recommendation to shut down the VEFRP system is premature.

Based on these conclusions, Continental is required to review the number and location of the key (automated recovery) wells and is required to expand the number of these key wells to areas of the Jet A plume that are not effectively being drained. To document this effort, Continental is required to develop a endpoint drainage map.

3. The closure work plan states groundwater levels are rising due to the sea-water intrusion project and this fact makes it more difficult to increase Jet A recovery rates. This and other additional reasons are being used to justify Continental's request to shut down the VEFRP system. Although the Regional Board agrees there is some merit in these reasons, Continental has not effectively demonstrated that these reasons are justification for not investigating the use of pilot testing enhanced extraction rates that may increase Jet A fuel recovery. Based on historical information in Regional Board files, Continental is required to research and submit data on the annual increase (in inches) of groundwater elevation as a result of the salt-water intrusion project. Based on this data Continental is required to provide more detailed information regarding the increasing groundwater elevation levels and how these levels are or would affect Jet A recovery rates.
4. Based on the closure work plan's conclusions, Regional Board staff are not convinced that the Jet A saturation in the saturated zone is 15% as represented by AQUI-VER. Presently, no smear-zone conventional core extraction experiments have been completed and thus far the data presented to the Regional Board does not prove this point, which suggests that additional Jet A could be recovered if the average porosity of the subject site subsurface soil is actually 44% as indicated and Jet A saturations higher. Therefore, Continental is required to provide additional information and data to warrant consideration of approving the shut-down of the VEFRP system. Table II data presented in Appendix B indicates evaluation results for 3 remedial alternative scenarios, however there are no quantitative estimates on how much additional Jet A could be recovered for RA-1, RA-2 or RA-3. This additional information would assist in understanding the findings of cost/benefit analysis.
5. Figure 4 in the closure work plan presents the subject site's Conceptual Site Model (CSM), which depicts subject site-specific geology and hydrogeology information. However, the CSM does not provide all the necessary information to understand site-specific hydrostratigraphy; consequently, it is not clear whether the contaminants would be contained by the geologic contacts between the Older Dune Sand and the Lakewood Formation or between the Lakewood Formation and the San Pedro Formation. A review of the site's groundwater monitoring wells indicates they are screened within the upper Lakewood Formation; therefore, interpreting contaminant distribution would be limited based on the wells being screened only within the upper Lakewood formation. For other nearby sites (i.e., refineries) that have similar subsurface conditions, when conducting subsurface investigations, the Regional Board requires these sites to complete at least one continuous boring to locate the bottom of each water-bearing zone, while taking discrete depth groundwater samples, every 10 to 20 feet, using a technology such as Simulprobe®. To bring understanding to the site's hydrostratigraphy, Continental is required to provide a graphical CSM which should present field data collected from at least one continuous boring completed to the bottom of each water-bearing zone and the collection of groundwater samples every 10 to 20 feet. The data will provide information on the subject site's hydrostratigraphy and the contaminants distribution.
6. The closure work plan states that a significant mass of the Jet A plume is trapped below the groundwater table due to an increase of the groundwater levels during the past 15 years. The technical information appears to be incomplete because it is not clear how Continental estimated the mass of plume. For example, the technical information states that more than 40 percent of the mass is trapped beneath the water-table and is comprised of residual Jet A. Based on this assumption, a conclusion is made that it is not feasible to remove the trapped mass. However, the conclusion is based on a literature review of different remedial technologies and not on actual field data acquired from the subject site. Therefore, it remains unclear how the estimated 40

percent trapped mass was calculated [i.e., from literature review, based on well screened (or borings) information from a limited 10 to 20 feet below the groundwater water table, etc.].

Typically, a Laser-induced fluorescence (LIF) study, Cone Penetration Testing (CPT) and a Rapid Optical Screen Tool (ROST) are used to understand mass distribution beneath petroleum hydrocarbons trapped beneath the groundwater table. In conjunction with the LIF study using CPT-ROST, a mobility study is conducted to better understand whether the trapped Jet A mass is mobile or not. Based on this information Continental is required to conduct these or similar types of studies and once they are completed, then perform pilot tests as part of a feasibility study (i.e., mainly based on literature review of primary, secondary, and tertiary treatment options) to find out the best technology to remove the trapped recoverable mass of the Jet A plume.

7. As stated in the closure work plan, it may be possible that existing Jet A mass extraction wells have reached their end points based on decline curve analyses. However, the possibility may also mean the performance of one specific extraction well may have reached its end, but not all of the extraction wells. Therefore, Continental is required to provide additional information on these decline curve analyses, so Regional Board staff can understand the distribution of the Jet A mass before considering the shut down of the subject site's VEFRR system and/or halting overall cleanup activities.
8. The closure work plan does not present information about temperature and its effects on the Jet A plume, therefore, Continental is required to conduct the temperature study and its effects on the Jet A plume

Based on these comments the Regional Board believes Continental's request to shutdown and close the VEFRR is premature and that additional work needs to be completed, as presented in comments 1 through 8. Consequently, the proposed Closure Process including a post-recovery monitoring and contingency program, including the two 5-year review periods, is also premature and that the closure process will be discussed once the additional work is completed. A revised Jet Fuel Closure Work Plan (closure work plan) addressing the aforementioned comments shall be submitted to the Regional Board by **September 2, 2010**.

The revised closure work plan should be developed following the Regional Board's *Guidelines for Report Submittals (March 1991, Revised June 1993)* and shall be submitted as a hardcopy and electronic Adobe® "pdf" format. A total of two (2) hardcopies and one (1) electronic copy of each final report shall be submitted. Additionally, laboratory Quality Assurance/Quality Control (QA/QC) data must be included with each final report.

Pursuant to State Water Resources Control Board Resolution No. 92-49, under California Water Code Section 13304, all fieldwork related to implementing the required closure work plan such as well installation(s) must be conducted by, or under the direct responsible supervision of, a registered geologist or licensed civil engineer. All technical documents submitted to this Regional Board must be reviewed, signed and stamped by a State of California Professional Geologist, or a California registered civil engineer with at least five years hydrogeologic experience. Furthermore, the California Business and Professions Code Sections 6735, 7835, and 7835.1 require that engineering and geologic evaluations and judgments be performed by or under the direction of registered professionals. Therefore, all future work must be performed by or under the direction of a registered geologist or registered civil engineer. A statement is required in the report that the registered professional in responsible charge actually supervised or personally conducted all the work associated with the project.

Ms. Leah Raney
Continental Airlines
SLIC No. 0349A
Site Cleanup No. 1841200

- 6 -

June 30, 2010

All the above closure work plans are required to be submitted under the CWC Section 13267 Order. Please note that effective immediately, the Regional Board requires you to include a perjury statement in all reports submitted under the 13267 orders. The perjury statement shall be signed by senior personnel of Continental Airlines (not a consultant). The statement shall be in the following format:

"I [name], do hereby declare under penalty of perjury under the laws of the State of California, that I am [title] for Continental Airlines, that I am authorized to attest to the veracity of the information contained in the reports described herein, and that the information contained in [title and date of report], is true and correct, and that this declaration was executed in [city and State], on [date].

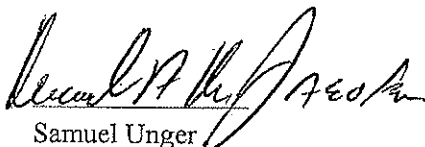
Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical or monitoring reports described above may result in the imposition of civil liability penalties by the Regional Board, without further warning, of up to \$1,000 per day for each day the report is not received after the above due dates.

We believe that the burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. If you disagree and have information about the burdens, including costs, of complying with these requirements, provide such information to **Mr. Larry Moore** within ten days of the date of this letter so that we may reconsider the requirements.

Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

If you have any questions regarding this matter, please call Mr. Larry Moore at (213) 576-6730 or email at lmoore@waterboards.ca.gov or Mr. Jeffrey Hu at (213) 576-6736 or email at ghu@waterboards.ca.gov.

SO ORDERED.



Samuel Unger
Interim Executive Officer.

June 30, 2010

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.